

3e Regional Transport Strategy – Habitat Regulations Appraisal

o Purpose of Report

The purpose of this report is to provide the Habitat Regulations Appraisal for the approved Regional Transport Strategy (RTS) Refresh for consideration and approval by the Board.

o Background

In Scotland, public bodies are required to assess, consult and monitor the likely impact of their plans, programmes and strategies on the environment through a process of Strategic Environmental Assessment (SEA).

The Strategic Environmental Assessment of the RTS Refresh was carried out in parallel to the review of the strategy itself and informed its development. The RTS Refresh was approved by Scottish Ministers in January 2014. Once a plan has been adopted the responsible authority should prepare a statement outlining how the assessment findings and the comments received during consultation have been taken into account.

The SEA post adoption statement was approved by the Nestrans Board in June 2014 for submission to the SEA gateway. The Post Adoption Statement identified that many interventions would require further assessment and that these would most appropriately be done at the project level. However, the SEA also identified the need for a Habitat Regulations Appraisal (HRA) of the interventions, highlighting the River Dee link and possible effects of the action on the River Dee Special Area of Conservation (SAC).

o Habitat Regulations Appraisal

Article 6(3) of the Habitats Directive requires that ‘any plan or project’ not directly connected with or necessary to the management of a Natura 2000 site, but likely to have a significant effect thereon, shall be subject to an Appropriate Assessment (AA) of its implications for the site in view of the site conservation objectives. A Habitat Regulations Appraisal (HRA) has therefore been undertaken for the Nestrans RTS Refresh 2013-2035 to inform the AA for the strategy.

The full HRA is on the Members’ Area of the Nestrans website and contains an assessment of the policies and proposals within the Nestrans RTS for their potential to result in Likely Significant Effects (LSEs) leading to adverse effects on the integrity of Natura 2000 sites. Forty classified Natura 2000 sites and one potential Special Protection Area (SPA) were identified. The majority of the RTS policies and proposals for action were screened out either because they were general policy statements or because the particular proposal did not identify any locations for development or detail of what that development might be.

This assessment did identify the potential for LSE on the River Dee SAC as a result of the construction and operation of the Access to Aberdeen from the south proposal (IC2 i)) and the River Dee Link proposal (IC2 vii)). However, the mitigation measures set out in Table 6.5 within the HRA have been proposed to ensure that there will be no residual effects on the

conservation objectives or the integrity of the River Dee SAC. It is however recommended that at each stage of the design process of the Access to Aberdeen from the south and River Dee Link proposals, a project level HRA should be undertaken. These project level HRAs will incorporate the mitigation measures proposed which will require to be re-evaluated and discussed with SNH to ensure that the proposed measures are appropriate. The project level HRAs should incorporate the findings of consultation and field surveys, where appropriate, to inform a detailed assessment and mitigation strategy. The identified mitigation will then be incorporated into the final detailed design of the proposal to ensure the integrity of the River Dee SAC is maintained in the long-term.

Recommendation

It is recommended that the Board approve the RTS Habitat Regulations Appraisal and agree to publish it on the Nestrans website.

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